

Action

OCA 86-~~1708~~-1707 4-7**OFFICE OF CONGRESSIONAL AFFAIRS****Routing Slip**

|  | ACTION | INFO |
|--|--------|------|
| 1. D/OCA   |        | X    |
| 2. DD/Legislation  |        | X    |
| 3. DD/Senate Affairs   |        | X    |
| 4. Ch/Senate Affairs   |        |      |
| 5. DD/House Affairs  |        | X    |
| 6. Ch/House Affairs  |        |      |
| 7. Admin Officer   |        |      |
| 8. Executive Officer   |        | X    |
| 9. FOIA Officer  |        |      |
| 10. Constituent Inquiries Officer  |        |      |
| 11. <span style="border: 1px solid black; display: inline-block; width: 100px; height: 1.2em; vertical-align: middle;"></span> | X      |      |
| 12.  |        |      |

SUSPENSE

23 May 86

Date

Action Officer: 

Remarks:

*(SEE ATTACHED)*  
*Action completed MFR DTD. 30 May '86*

GJ / 20 May 86

Name/Date

| ROUTING AND TRANSMITTAL SLIP                                  |                      | Date             |
|---|----------------------|------------------|
|   |                      | 30 May 1986      |
| TO: (Name, office symbol, room number, building, Agency/Post) | Initials             | Date             |
| 1. Memorandum for the Record                                  |                      |                  |
| 2.  |                      |                  |
| 3.  |                      |                  |
| 4.  |                      |                  |
| 5.  |                      |                  |
| Action  | File                 | Note and Return  |
| Approval  | For Clearance        | Per Conversation |
| As Requested  | For Correction       | Prepare Reply    |
| Circulate   | For Your Information | See Me           |
| Comment   | Investigate          | Signature        |
| Coordination  | Justify              |                  |
| REMARKS   |                      |                  |

On 23 May 1986 I informed Sue Thau that with respect to their legislative referral memorandum of 19 May 1986 on Diplomatic Security and Anti-terrorism Act as reported by the Senate Foreign Relations Committee, that we strongly opposed section 106 (b) of the bill and insisted on the House version of section 106 (b). We would most likely oppose the bill if we did not achieve this

This is completed action.

OCA # 86-1707

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DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

|  |                |
|--|----------------|
| FROM: (Name, org. symbol, Agency/Post) | Room No.—Bldg. |
|  | Phone No.      |

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OPTIONAL FORM 41 (Rev. 7-76)  
Prescribed by GSA  
FPMR (41 CFR) 101-11.206

\* U.S.G.P.O.: 1983 - 421-529/320

Action  
OCA 86-1707

# OFFICE OF CONGRESSIONAL AFFAIRS

## Routing Slip

|                                   | ACTION | INFO |
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| 1. D/OCA                          |        | X    |
| 2. DD/Legislation                 |        |      |
| 3. DD/Senate Affairs              |        | X    |
| 4. Ch/Senate Affairs              |        | X    |
| 5. DD/House Affairs               |        | X    |
| 6. Ch/House Affairs               |        |      |
| 7. Admin Officer                  |        |      |
| 8. Executive Officer              |        | X    |
| 9. FOIA Officer                   |        |      |
| 10. Constituent Inquiries Officer |        |      |
| 11. [Redacted]                    | X      |      |

SUSPENSE

Date

Action Officer:

Remarks:

CJ / 22 May 86  
Name/Date

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LEGISLATIVE AFFAIRS

86-1707



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

May 19, 1986

**SPECIAL**LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer -

OCA FILE

RECP #

Legislation  
Record

DEPARTMENT OF STATE  
DEPARTMENT OF ENERGY  
DEPARTMENT OF JUSTICE  
DEPARTMENT OF TRANSPORTATION  
NATIONAL SECURITY COUNCIL  
CENTRAL INTELLIGENCE AGENCY  
UNITED STATES TRADE REPRESENTATIVE  
OFFICE OF PERSONNEL MANAGEMENT  
DEPARTMENT OF DEFENSE  
DEPARTMENT OF COMMERCE

SUBJECT: Substitute amendment to H.R. 4151, "Diplomatic Security and Antiterrorism Act of 1986," as reported by Senate Foreign Relations Committee.

In anticipation of Senate floor action in early June, the proposed amendment is being circulated for your comments.

The Office of Management and Budget requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

A response to this request for your views is needed no later than FRIDAY, MAY 23, 1986.

Questions should be referred to SueThau/AnnetteRooney (395-7300), the legislative analyst in this office.

RONALD K. PETERSON FOR  
Assistant Director for  
Legislative Reference

## Enclosures

cc: M. Margeson  
P. Scheinberg  
R. Neely  
G. Jones  
N. Potok  
P. Jacobs  
T. Palmieri  
J. Brown

J. Nix

**SPECIAL**



**EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503**

May 23, 1986

**SPECIAL**

**LEGISLATIVE REFERRAL MEMORANDUM**

**TO:           Legislative Liaison Officer -**

**Department of State (Berkenbile 647-4463)   25**  
**Department of Energy (Rabben 252-6718)   09**  
**Department of Justice (Perkins 633-2113)   17**  
**Department of Transportation (Collins 426-4694) 26**  
**Department of Defense (Windus 697-1305) 06**  
**Department of Commerce (Levitt 377-3151) 04**  
**National Security Council**  
**Central Intelligence Agency**  
**United States Trade Representative (Johnston X3150) 23**  
**Office of Personnel Management (Woodruff 632-4682) 22**

**SUBJECT:   The final page (37) of the May 19, 1986, LRM on the reported version of H.R. 4151 was inadvertently not sent to you. It is attached now for your use.**

*Ronald K. Peterson*

**RONALD K. PETERSON FOR  
Assistant Director for  
Legislative Reference**

**Enclosures**

**cc: M. Margeson  
P. Scheinberg  
R. Neely  
G. Jones  
S. Jacobs**

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(2) pay the costs and expenses incurred by each fellow in traveling between the United States and the country in which the fellow serves, including (where appropriate) travel for family members.

(e) Effective Date.--Subsection (d) of this section shall not take effect until October 1, 1986.

SEC. 695. SECRETARY OF STATE.

(a) Determinations.--The Secretary of State shall determine which of the individuals selected by the Board will serve at each United States diplomatic or consular mission in the Soviet Union or Eastern Europe and the position in which each will serve.

(b) Authorities.--Such service shall be in accordance with the relevant authorities of the Foreign Service Act of 1980, the State Department Basic Authorities Act of 1956, and title 5 of the United States Code.

(c) Funding.--Funds appropriated to the Department of State for "Salaries and Expenses" shall be used for the expenses incurred in carrying out this title.

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Mr. Lugar

*SUSAN THAW*

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## PROPOSED SUBSTITUTE AMENDMENT TO H.R. 4151

Viz:

- 1 Strike out all after the enacting clause and insert in
- 2 lieu thereof the following:
- 3 SECTION 1. SHORT TITLE.

- 4 This Act may be cited as the "Diplomatic Security and
- 5 Antiterrorism Act of 1985".

- 6 SEC. 2. TABLE OF CONTENTS.

- 7 The table of contents of this Act is as follows:

Sec. 1. Short title.  
Sec. 2. Table of contents.

## TITLE I--DIPLOMATIC SECURITY

- Sec. 101. Short title.  
Sec. 102. Findings and purposes.  
Sec. 103. Responsibility of the Secretary of State.  
Sec. 104. Bureau of Diplomatic Security.  
Sec. 105. Responsibilities of the Assistant Secretary for Diplomatic Security.  
Sec. 106. Cooperation of other Federal agencies.

## TITLE II--DIPLOMATIC SECURITY SERVICE

- Sec. 201. Establishment of Diplomatic Security Service.  
Sec. 202. Director of Diplomatic Security Service.  
Sec. 203. Positions in the Diplomatic Security Service.

## TITLE III--PERFORMANCE AND ACCOUNTABILITY

- Sec. 301. Accountability review.  
Sec. 302. Accountability Review Board.  
Sec. 303. Procedures.  
Sec. 304. Findings and recommendations by a Board.  
Sec. 305. Relation to other proceedings.

## TITLE IV--DIPLOMATIC SECURITY PROGRAM

- Sec. 401. Authorizations of appropriations.

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- Sec. 402. Diplomatic construction program.
- Sec. 403. Qualifications of persons hired for the diplomatic construction program.
- Sec. 404. Cost overruns.
- Sec. 405. Efficiency in contracting.
- Sec. 406. Training to improve perimeter security at United States diplomatic missions abroad.
- Sec. 407. Certain protective functions.

#### TITLE V--STATE DEPARTMENT AUTHORITIES TO COMBAT INTERNATIONAL TERRORISM

- Sec. 501. Rewards for information relating to international narcoterrorism and drug trafficking.
- Sec. 502. Counterterrorism Protection Fund.
- Sec. 503. Authority to control certain terrorism-related services.

#### TITLE VI--FASCELL FELLOWSHIP PROGRAM

- Sec. 601. Short title.
- Sec. 602. Fellowship program for temporary service at United States missions in the Soviet Union and Eastern Europe.
- Sec. 603. Fellowship Board.
- Sec. 604. Fellowships.
- Sec. 605. Secretary of State.

#### TITLE I--DIPLOMATIC SECURITY

##### SEC. 101. SHORT TITLE.

Titles I through IV of this Act may be cited as the "Diplomatic Security Act".

##### SEC. 102. FINDINGS AND PURPOSES.

(a) Findings.--The Congress finds and declares that--

- (1) the United States has a crucial stake in the presence of United States Government personnel representing United States interests abroad;
- (2) conditions confronting United States Government personnel and missions abroad are fraught with security



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1 concerns which will continue for the foreseeable future;  
2 and

3 (3) the resources now available to counter acts of  
4 terrorism and protect and secure United States Government  
5 personnel and missions abroad, as well as foreign  
6 officials and missions in the United States, are  
7 inadequate to meet the mounting threat to such personnel  
8 and facilities.

9 (b) Purposes.--The purposes of titles I through IV are--

10 (1) to set forth the responsibility of the Secretary  
11 of State with respect to the security of diplomatic  
12 operations in the United States and abroad;

13 (2) to provide for an Assistant Secretary of State to  
14 head the Bureau of Diplomatic Security of the Department  
15 of State, and to set forth certain provisions relating to  
16 the Diplomatic Security Service of the Department of  
17 State;

18 (3) to maximize coordination by the Department of  
19 State with Federal, State, and local agencies and  
20 agencies of foreign governments in order to enhance  
21 security programs;

22 (4) to promote strengthened security measures and to  
23 provide for the accountability of United States  
24 Government personnel with security-related  
25 responsibilities; and

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(5) to provide authorization of appropriations for the Department of State to carry out its responsibilities in the area of security and counterterrorism, and in particular to finance the acquisition and improvements of United States Government missions abroad, including real property, buildings, facilities, and communications, information, and security systems.

SEC. 103. RESPONSIBILITY OF THE SECRETARY OF STATE.

(a) Security Functions.--The Secretary of State shall develop and implement (in consultation with the heads of other Federal agencies having personnel or missions abroad where appropriate and within the scope of the resources made available) policies and programs, including funding levels and standards, to provide for the security of United States Government operations of a diplomatic nature and foreign government operations of a diplomatic nature in the United States. Such policies and programs shall include--

(1) protection of all United States Government personnel on official duty abroad (other than those personnel under the command of a United States area military commander) and their accompanying dependents;

(2) establishment and operation of security functions at all United States Government missions abroad (other than facilities or installations subject to the control of a United States area military commander);

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1 (3) establishment and operation of security functions  
2 at all Department of State facilities in the United  
3 States; and

4 (4) protection of foreign missions, international  
5 organizations, and foreign officials and other foreign  
6 persons in the United States, as authorized by law.

7 (b) Oversight of Posts Abroad.--The Secretary of State  
8 shall--

9 (1) have full responsibility for the coordination of  
10 all United States Government personnel assigned to  
11 diplomatic or consular posts or other United States  
12 missions abroad pursuant to United States Government  
13 authorization (except for facilities, installations, or  
14 personnel under the command of a United States area  
15 military commander); and

16 (2) establish appropriate overseas staffing levels  
17 for all such posts or missions for all Federal agencies  
18 with activities abroad (except for personnel and  
19 activities under the command of a United States area  
20 military commander).

21 (c) Federal Agency.--As used in this title and title III,  
22 the term "Federal agency" includes any department or agency  
23 of the United States Government.

24 SEC. 194. BUREAU OF DIPLOMATIC SECURITY.

25 (a) The Bureau.--There shall be a Bureau of Diplomatic

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1 Security in the Department of State, to be headed by the  
2 Assistant Secretary for Diplomatic Security. The Assistant  
3 Secretary shall be responsible for carrying out the functions  
4 and duties set forth in section 105 and such additional  
5 functions as may be directed by the Secretary of State.

6 (b) Number of Assistant Secretaries.--The first section  
7 of the Act entitled "An Act to strengthen and improve the  
8 organization and administration of the Department of State,  
9 and for other purposes," approved May 26, 1949 (22 U.S.C.  
10 2652), is amended by striking out "fourteen" and inserting  
11 in lieu thereof "fifteen".

12 (c) Positions at Level IV of the Executive Schedule.--  
13 Section 5315 of title 5, United States Code, is amended by  
14 striking out "(14)" following "Assistant Secretaries of  
15 State" and inserting in lieu thereof "(15)".

16 (d) Compliance with Budget Act.--New spending authority  
17 (within the meaning of section 421(c)(2)(C) of the  
18 Congressional Budget and Impoundment Control Act of 1974)  
19 provided by the amendment made by subsection (c) of this  
20 section shall be effective for any fiscal year only to the  
21 extent or in such amounts as provided in appropriations Acts.

22 SEC. 105. RESPONSIBILITIES OF THE ASSISTANT SECRETARY FOR  
23 DIPLOMATIC SECURITY.

24 The Assistant Secretary for Diplomatic Security shall be  
25 responsible for such activities related to diplomatic

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1 security as the Secretary of State shall designate.

2 SEC. 106. COOPERATION OF OTHER FEDERAL AGENCIES.

3 (a) Assistance.--In order to facilitate fulfillment of  
4 the responsibilities described in section 103(a), other  
5 Federal agencies shall cooperate (through agreements) to the  
6 maximum extent possible with the Secretary of State. Such  
7 agencies may, with or without reimbursement, provide  
8 assistance to the Secretary, perform security inspections,  
9 provide logistical support relating to the differing missions  
10 and facilities of other Federal agencies, and perform other  
11 overseas security functions as may be authorized by the  
12 Secretary. Specifically, the Secretary may agree to delegate  
13 operational control of overseas security functions of other  
14 Federal agencies to the heads of such agencies, subject to  
15 the Secretary's authority as set forth in section 103(a). The  
16 agency head receiving such delegated authority shall be  
17 responsible to the Secretary in the exercise of the delegated  
18 operational control.

19 (b) Other Agencies.--The President shall prescribe such  
20 regulations as may be necessary to assure that the  
21 implementation of titles I through IV does not limit or  
22 impair the authority or responsibility of any other Federal,  
23 State, or local agency with respect to law enforcement,  
24 domestic security operations, or intelligence activities (as  
25 defined in Executive Order 12333).

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1 (c) Certain Lease Arrangements.--The Administrator of  
2 General Services is authorized to lease (to such extent or in  
3 such amounts as are provided in appropriation Acts) such  
4 amount of space in the United States as may be necessary for  
5 the Department of State to accommodate the personnel required  
6 to carry out this title. The Department of State shall pay  
7 for such space at the rate established by the Administrator  
8 of General Services for space and related services.

9 TITLE II--DIPLOMATIC SECURITY SERVICE

10 SEC. 201. ESTABLISHMENT OF DIPLOMATIC SECURITY SERVICE.

11 There shall be, within the Bureau of Diplomatic Security,  
12 the Diplomatic Security Service. The Diplomatic Security  
13 Service shall perform such functions as may be assigned to it  
14 by the Secretary of State.

15 SEC. 202. DIRECTOR OF DIPLOMATIC SECURITY SERVICE.

16 The Diplomatic Security Service shall be headed by a  
17 Director designated by the Secretary of State from among  
18 individuals having a demonstrated ability in the area of  
19 security, law enforcement, management, or public  
20 administration. The Director shall act under the supervision  
21 and direction of the Assistant Secretary for Diplomatic  
22 Security.

23 SEC. 203. POSITIONS IN THE DIPLOMATIC SECURITY SERVICE.

24 Positions in the Diplomatic Security Service shall be  
25 filled in accordance with the provisions of the Foreign

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1 Service Act of 1962 (22 U.S.C. 3921 et seq.) and title 5,  
2 United States Code. In filling such positions, the Secretary  
3 of State shall actively recruit women and members of minority  
4 groups. The Secretary of State shall prescribe the  
5 qualifications required for assignment or appointment to such  
6 positions. In the case of positions designated for special  
7 agents, the qualifications may include minimum and maximum  
8 entry age restrictions and other physical standards and shall  
9 incorporate such standards as may be required by law in order  
10 to perform security functions, to bear arms, and to exercise  
11 investigatory, warrant, arrest, and such other authorities as  
12 are available by law to special agents of the Department of  
13 State and the Foreign Service.

14 TITLE III--PERFORMANCE AND ACCOUNTABILITY

15 SEC. 301. ACCOUNTABILITY REVIEW.

16 In any case of serious injury, loss of life, or  
17 significant destruction of property at or related to a United  
18 States Government mission abroad which is covered by the  
19 provisions of titles I through IV (other than a facility or  
20 installation subject to the control of a United States area  
21 military commander), the Secretary of State shall convene an  
22 Accountability Review Board (hereafter in this title referred  
23 to as the "Board"). The Secretary shall not convene a Board  
24 where the Secretary determines that a case clearly involves  
25 only causes unrelated to security.

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## 1 SEC. 302. ACCOUNTABILITY REVIEW BOARD.

2 (a) Membership.--A Board shall consist of five members, 4  
3 appointed by the Secretary of State, and 1 appointed by the  
4 Director of Central Intelligence. The Secretary of State  
5 shall designate the Chairperson of the Board. Members of the  
6 Board who are not Federal officers or employees shall each be  
7 paid at a rate not to exceed the maximum rate of basic pay  
8 payable for level GS-18 of the General Schedule for each day  
9 (including travel time) during which they are engaged in the  
10 actual performance of duties vested in the Board. Members of  
11 the Board who are Federal officers or employees shall receive  
12 no additional pay by reason of such membership.

## 13 (b) Facilities, Services, Supplies, and Staff.--

14 (1) Supplied by Department of State.--A Board shall  
15 obtain facilities, services, and supplies through the  
16 Department of State. All expenses of the Board, including  
17 necessary costs of travel, shall be paid by the  
18 Department of State. Travel expenses authorized under  
19 this paragraph shall be paid in accordance with  
20 subchapter I of chapter 57 of title 5, United States  
21 Code, or other applicable law.

22 (2) Detail.--At the request of a Board, employees of  
23 the Department of State or other Federal agencies,  
24 members of the Foreign Service, or members of the  
25 uniformed services may be temporarily assigned, with or



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1 without reimbursement, to assist the Board. Upon request,  
2 the Inspector General of the Department of State and the  
3 Foreign Service may provide assistance to the Board.

4 (3) Experts and consultants.--A Board may employ and  
5 compensate (in accordance with section 3109 of title 5,  
6 United States Code) such experts and consultants as the  
7 Board considers necessary to carry out its functions.  
8 Experts and consultants so employed shall be responsible  
9 solely to the Board.

10 SEC. 303. PROCEDURES.

11 (a) Evidence.--

12 (1) United States Government personnel and  
13 contractors.--

14 (A) With respect to any individual described in  
15 subparagraph (5), a Board may--

16 (i) administer oaths and affirmations;

17 (ii) require that depositions be given and  
18 interrogatories answered; and

19 (iii) require the attendance and presentation  
20 of testimony and evidence by such individual.

21 Failure of any such individual to comply with a  
22 request of the Board shall be grounds for  
23 disciplinary action by the head of the Federal agency  
24 in which such individual is employed or serves, or in  
25 the case of a contractor, debarment.

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1 (F) The individuals referred to in subparagraph  
2 (A) are--

3 (i) employees as defined by section 2105 of  
4 title 5, United States Code (including members of  
5 the Foreign Service);

6 (ii) members of the uniformed services as  
7 defined by section 101(3) of title 37, United  
8 States Code;

9 (iii) employees of instrumentalities of the  
10 United States; and

11 (iv) individuals employed by any person or  
12 entity under contract with agencies or  
13 instrumentalities of the United States Government  
14 to provide services, equipment, or personnel.

15 (2) Other persons.--With respect to a person who is  
16 not described in paragraph (1)(E), a Board may administer  
17 oaths and affirmations and require that depositions be  
18 given and interrogatories answered.

19 (3) Subpoenas.--(A) The Board may issue a subpoena  
20 for the attendance and testimony of any person (other  
21 than a person described in clause (i), (ii), or (iii) of  
22 paragraph (1)(B)) and the production of documentary or  
23 other evidence from any such person if the Board finds  
24 that such a subpoena is necessary in the interests of  
25 justice for the development of relevant evidence.

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1 (9) In the case of contumacy or refusal to obey a  
2 subpoena issued under this paragraph, a court of the  
3 United States within the jurisdiction of which a person  
4 is directed to appear or produce information, or within  
5 the jurisdiction of which the person is found, resides,  
6 or transacts business, may upon application of the  
7 Attorney General, issue to such person an order requiring  
8 such person to appear before the Board to give testimony  
9 or produce information as required by the subpoena.

10 (C) Subpoenaed witnesses shall be paid the same fee  
11 and mileage allowances which are paid subpoenaed  
12 witnesses in the courts of the United States.

13 (b) Confidentiality.--A Board shall adopt for  
14 administrative proceedings under this title such procedures  
15 with respect to confidentiality as may be deemed necessary,  
16 including procedures relating to the conduct of closed  
17 proceedings or the submission and use of evidence in camera,  
18 to ensure in particular the protection of classified  
19 information relating to national defense, foreign policy, or  
20 intelligence matters. The Director of Central Intelligence  
21 shall establish the level of protection required for  
22 intelligence information and for information relating to  
23 intelligence personnel, including standards for secure  
24 storage.

25 (c) Records.--Records pertaining to administrative

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1 proceedings under this title shall be separated from all  
2 other records of the Department of State and shall be  
3 maintained under appropriate safeguards to preserve  
4 confidentiality and classification of information. Such  
5 records shall be prohibited from disclosure to the public  
6 until such time as a Board completes its work and is  
7 dismissed. The Department of State shall turn over to the  
8 Director of Central Intelligence intelligence information and  
9 information relating to intelligence personnel which shall  
10 then become records of the Central Intelligence Agency. After  
11 that time, only such exemptions as apply to other records of  
12 the Department of State under section 552(b) of title 5 of  
13 the United States Code (relating to freedom of information),  
14 shall be available for the remaining records of the Board.

15 (d) Status of boards.--The provisions of the Federal  
16 Advisory Committee Act (5 U.S.C. App. 1 et seq.) and section  
17 552b of title 5 of the United States Code (relating to open  
18 meetings) shall not apply to any Board.

19 SEC. 324. FINDINGS AND RECOMMENDATIONS BY A BOARD.

20 (a) Findings.--A Board convened in any case shall examine  
21 the facts and circumstances surrounding the serious injury,  
22 loss of life, or significant destruction of property at or  
23 related to a United States Government mission abroad and  
24 shall make written findings determining--

25 (1) whether there are reasonable grounds to believe

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1 that the injury, loss of life, or destruction of property  
2 with respect to which the Board was convened was  
3 security-related; and

4 (2) whether there is reasonable cause to believe that  
5 a breach of duty by an individual described in section  
6 303(a)(1)(B) contributed to such injury, loss of life, or  
7 destruction of property.

8 In making its findings, the Board shall take into account  
9 such standards of conduct, statutes, rules, regulations,  
10 instructions and other sources as may have been pertinent to  
11 the performance of work and official duties.

12 (b) Program Recommendations.--The Board shall make  
13 recommendations to the Secretary of State as appropriate to  
14 improve the efficiency, economy, suitability, or security of  
15 any program or operation which the Board has reviewed,  
16 particularly recommendations to promote security awareness  
17 and individual accountability for security programs.

18 (c) Disciplinary Proceedings.--

19 (1) Notice.--Whenever a Board finds reasonable cause  
20 to believe that an individual has breached a duty under  
21 subsection (a)(2), the Board shall promptly notify the  
22 individual concerned. The Board at the same time shall  
23 notify the head of the appropriate Federal agency or  
24 instrumentality of such finding and recommend that such  
25 agency or instrumentality initiate an appropriate

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1       investigatory or disciplinary proceeding.

2           (2) Records.--Whenever notice of a finding under  
3       paragraph (1) is made, the Board shall transmit to the  
4       head of the appropriate Federal agency or instrumentality  
5       a certified copy of the record of the pertinent  
6       administrative proceeding undertaken by the Board under  
7       this title, which shall be part of the official record  
8       for all purposes of any disciplinary action against the  
9       individual concerned. The head of such agency or  
10      instrumentality shall maintain such copy under  
11      appropriate safeguards to preserve confidentiality and  
12      classification of information. For purposes of section  
13      552(b) of title 5, United States Code (relating to  
14      freedom of information), such portion of the copy which  
15      corresponds to the portion of the original record which  
16      was turned over to the Director of Central Intelligence  
17      shall be deemed to be held by the Director.

18      (d) Reports.--

19           (1) Program recommendations.--In any case in which a  
20      Board transmits recommendations to the Secretary of State  
21      under subsection (b), the Secretary shall, not later than  
22      90 days after the receipt of such recommendations, submit  
23      a report to the Congress on each such recommendation and  
24      the action taken with respect to that recommendation.

25           (2) Personnel recommendations.--In any case in which

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1 a Board transmits a finding of reasonable cause under  
2 subsection (c), the head of the Federal agency or  
3 instrumentality receiving the information shall review  
4 the evidence and recommendations and shall, not later  
5 than 30 days after the receipt of that finding, transmit  
6 to the Congress a report specifying--

7 (A) the nature of the case and a summary of the  
8 evidence transmitted by the Board; and

9 (B) the decision by the Federal agency or  
10 instrumentality to take disciplinary or other  
11 appropriate action against that individual or the  
12 reasons for deciding not to take disciplinary or  
13 other action with respect to that individual.

14 SEC. 305. RELATION TO OTHER PROCEEDINGS.

15 Nothing in this title shall be construed to create  
16 administrative or judicial review remedies or rights of  
17 action not otherwise available by law, nor shall any  
18 provision of this title be construed to deprive any person of  
19 any right or legal defense which would otherwise be available  
20 to that person under any law, rule, or regulation.

21 TITLE IV--DIPLOMATIC SECURITY PROGRAM

22 SEC. 401. AUTHORIZATIONS OF APPROPRIATIONS.

23 (a) Diplomatic Security Program.--

24 (1) In general.--In addition to amounts otherwise  
25 available for such purposes, the following amounts are

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2 years

1 authorized to be appropriated before October 1, 1987, for  
 2 the Department of State to carry out diplomatic security  
 3 construction, acquisition, and operations pursuant to the  
 4 Department of State's Supplemental Diplomatic Security  
 5 Program, as justified to the Congress for the respective  
 6 fiscal year:

7 (A) Administration of Foreign Affairs.--For  
 8 "Administration of Foreign Affairs", \$245,327,000.

9 (B) Acquisition and Maintenance of Buildings  
 10 Abroad.--For "Acquisition and Maintenance of  
 11 Buildings Abroad", \$857,826,000.

12 (C) Counterterrorism Research and Development.--  
 13 For "Counterterrorism Research and Development",  
 14 \$2,022,000.

15 (D) Antiterrorism Assistance.--For  
 16 "Antiterrorism Assistance", \$4,840,000.

17 (2) Availability of funds.--Amounts appropriated  
 18 pursuant to this section are authorized to remain  
 19 available until expended.

20 (b) Reprogramming Treatment.--Amounts made available for  
 21 capital projects pursuant to subsection (a) shall be treated  
 22 as a reprogramming of funds under section 34 of the State  
 23 Department Basic Authorities Act of 1956 (22 U.S.C. 2706) and  
 24 shall not be available for obligation or expenditure except  
 25 in compliance with the procedures applicable to such

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1 reprogramming.

2 (c) Security Requirements of Other Foreign Affairs  
3 Agencies.--Based solely on security requirements and within  
4 the total amount of funds available for security, the  
5 Secretary of State shall ensure that an equitable level of  
6 funding is provided for the security requirements of other  
7 foreign affairs agencies.

8 (d) Insufficiency of Funds.--In the event that sufficient  
9 funds are not available in any fiscal year for all of the  
10 diplomatic security construction, acquisition, and operations  
11 pursuant to the Department of State's Supplemental Diplomatic  
12 Security Program, as justified to the Congress for such  
13 fiscal year, the Secretary of State shall report to the  
14 Congress the effect that the insufficiency of funds will have  
15 with respect to the Department of State and each of the other  
16 foreign affairs agencies.

17 SEC. 402. DIPLOMATIC CONSTRUCTION PROGRAM.

18 (a) Preference for United States Contractors.--  
19 Notwithstanding section 11 of the Foreign Service Buildings  
20 Act, 1926, and where adequate competition exists, only United  
21 States persons and qualified United States joint venture  
22 persons may bid on a diplomatic construction or design  
23 project, for which funds are authorized to be appropriated by  
24 this title, which has an estimated total project value  
25 exceeding \$5,000,000.

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1 (b) Exception.--Subsection (a) shall not apply with  
2 respect to any diplomatic construction or design project in a  
3 foreign country the laws or policies of which prohibit the  
4 use of United States contractors on such projects. The  
5 exception contained in this subsection shall only become  
6 effective with respect to a foreign country 30 days after the  
7 Secretary of State certifies to the Congress that he has  
8 urged such foreign country to permit the use of United States  
9 contractors on such projects.

10 (c) Definitions.--For the purposes of this section--

11 (1) the term "adequate competition" means with  
12 respect to a construction project, the presence of two or  
13 more qualified bidders who are (A) United States persons  
14 or are qualified United States joint venture persons and  
15 (B) who are submitting responsive bids for that project;

16 (2) the term "United States person" means a person  
17 which--

18 (A) is incorporated or legally organized under  
19 the laws of the United States, including State, the  
20 District of Columbia, and local laws;

21 (B) has its principal place of business in the  
22 United States;

23 (C) has been incorporated or legally organized in  
24 the United States for more than 5 years before the  
25 issuance date of the invitation for bids or request

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1 for proposals with respect to a construction project;

2 (D) has performed administrative and technical,  
3 professional, or construction services similar in  
4 complexity, type of construction, and value to the  
5 project being bid;

6 (E) has achieved total business volume equal to  
7 or greater than the value of the project being bid in  
8 3 years of the 5-year period before the date  
9 specified in subparagraph (C);

10 (F) employs United States nationals in more than  
11 half of its full-time supervisory positions in the  
12 United States and will employ United States nationals  
13 in 80 percent of the supervisory positions on the  
14 foreign buildings office project site; and

15 (G) has the existing technical and financial  
16 resources to perform the contract; and

17 (3) the term "qualified United States joint venture  
18 person" means a joint venture in which a United States  
19 person or persons owns at least 51 percent of the assets  
20 of the joint venture.

21 (d) American Minority Contractors.--Not less than 10  
22 percent of the amount appropriated pursuant to section 481(a)  
23 for diplomatic construction projects each fiscal year shall  
24 be allocated to the extent practicable for contracts with  
25 American minority contractors.

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1 SEC. 403. QUALIFICATIONS OF PERSONS HIRED FOR THE DIPLOMATIC  
2 CONSTRUCTION PROGRAM.

3 In carrying out the diplomatic construction program  
4 referred to in section 401(a), the Secretary of State shall  
5 employ as professional staff (by appointment, contract, or  
6 otherwise) only those persons with a demonstrated specialized  
7 background in the fields of construction, construction law,  
8 or contract management. In filling such positions, the  
9 Secretary shall actively recruit women and members of  
10 minority groups.

11 SEC. 424. COST OVERRUNS.

12 Any amount required to complete any capital project  
13 described in the Department of State's Supplemental  
14 Diplomatic Security Program, as justified to the Congress for  
15 the respective fiscal year, which is in excess of the amount  
16 made available for that project shall be treated as a  
17 reprogramming of funds under section 34 of the State  
18 Department Basic Authorities Act of 1956 (22 U.S.C. 2706) and  
19 shall not be available for obligation or expenditure except  
20 in compliance with the procedures applicable to such  
21 reprogrammings.

22 SEC. 405. EFFICIENCY IN CONTRACTING.

23 (a) Bonuses and Penalties.--The Director of the Office of  
24 Foreign Buildings shall provide for a contract system of  
25 bonuses and penalties for the diplomatic construction program

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1 funded pursuant to the authorizations of appropriations  
2 provided in this title. Not later than 3 months after the  
3 date of enactment of this Act, the Director shall submit a  
4 report to the Congress on the implementation of this section.

5 (b) Surety Bonds and Guarantees.--The Director of the  
6 Office of Foreign Buildings shall require each person awarded  
7 a contract for work under the diplomatic construction program  
8 to post a surety bond or guarantee, in such amount as the  
9 Director may determine, to assure performance under such  
10 contract.

11 (c) Disqualification of Contractors.--No person doing  
12 business with Libya may be eligible for a contract under this  
13 Act.

14 SEC. 466. TRAINING TO IMPROVE PERIMETER SECURITY AT UNITED  
15 STATES DIPLOMATIC MISSIONS ABROAD.

16 It is the sense of Congress that the President should use  
17 the authority under chapter 8 of title II of the Foreign  
18 Assistance Act of 1961 (relating to antiterrorism assistance)  
19 to improve perimeter security of United States diplomatic  
20 missions abroad.

21 SEC. 467. CERTAIN PROTECTIVE FUNCTIONS.

22 Section 268(a) of title 3, United States Code, is amended  
23 by adding at the end thereof the following: "In carrying out  
24 any duty under section 262(7), the Secretary of State is  
25 authorized to utilize any authority available to the

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1 Secretary under title II of the State Department Basic  
2 Authorities Act of 1956.''.  
3 TITLE V--STATE DEPARTMENT AUTHORITIES TO COMBAT INTERNATIONAL  
4 TERRORISM

5 SEC. 501. REWARDS FOR INFORMATION RELATING TO INTERNATIONAL  
6 MARCOTERRORISM AND DRUG TRAFFICKING.

7 (a) International Terrorism.--Section 36(a) of the State  
8 Department Basic Authorities Act of 1956 (22 U.S.C. 2708(a))  
9 is amended to read as follows:

10 ''(a) The Secretary of State may pay a reward to any  
11 individual who furnishes information leading to--

12 ''(1) the arrest or conviction in any country of any  
13 individual for committing, or for conspiring or  
14 attempting to commit, an act of international terrorism;  
15 or

16 ''(2) the prevention, frustration, or favorable  
17 resolution of an act of international terrorism if the  
18 act of international terrorism is against a United States  
19 person or United States property and is primarily outside  
20 the territorial jurisdiction of the United States.''.  
21

22 (b) International Marcoterrorism and Drug Trafficking.--  
23 Section 36 of such Act is further amended--

24 (1) by redesignating subsections (b), (c), (d), (e),  
25 and (f) as subsections (c), (d), (e), (f), and (g),  
26 respectively; and

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1 (2) by inserting after subsection (a) the following  
2 new subsection:

3 "(b) The Secretary of State, upon the request of a chief  
4 of mission and with the concurrence of the Attorney General,  
5 may pay a reward to any individual who furnishes information  
6 leading to--

7 "(1) the arrest or conviction in any country of any  
8 individual for the commission outside the United States  
9 of any narcotics-related offense if such offense involves  
10 or is a significant part of conduct that involves--

11 "(A) a violation of the laws of the United  
12 States for the prevention and control of illicit  
13 traffic in controlled substances (as such term is  
14 defined for the purpose of the Controlled Substances  
15 Act);

16 "(3) an act of narcoterrorism, which includes  
17 the killing or kidnapping outside the territorial  
18 jurisdiction of the United States of--

19 "(1) any officer, employee, or contract  
20 employee of the United States Government while  
21 such individual is engaged in official duties, or  
22 on account of that individual's official duties,  
23 in connection with the enforcement of United  
24 States drug laws or the implementing of United  
25 States drug control objectives; or

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1           ''(11) a member of the immediate family of  
2           any such individual on account of that  
3           individual's official duties in connection with  
4           the enforcement of United States drug laws or the  
5           implementation of United States drug control  
6           objectives; or

7           ''(C) an attempt or conspiracy to do any of  
8           the acts described in paragraph (1) or (2); or

9           ''(2) the prevention or frustration of an act  
10          described in paragraph (1).''.

11          (c) Funding for Rewards.--Section 35(g) of such Act, as  
12          redesignated by subsection (b)(1), is amended by striking out  
13          the period at the end of the first sentence and inserting in  
14          lieu thereof the following: '', up to \$2,000,000 of which may  
15          be used for rewards for information described in subsection  
16          (b)(1)(A) or (B). In addition to the amount authorized by the  
17          preceding sentence, there are authorized to be appropriated  
18          \$10,000,000 for fiscal year 1987 for 'Administration of  
19          Foreign Affairs' for use in paying rewards under this  
20          section, up to \$5,000,000 of which may be used for rewards  
21          for information described in subsection (b)(1)(A) or (B).''.

22          (d) Conforming Amendment.--Section 36(f) of such Act, as  
23          redesignated by subsection (b)(1), is amended by inserting  
24          ''or (b)'' after ''subsection (a)''.

25          (e) Reports on Rewards; Refinements.--Section 36 of such



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1 Act is further amended by adding at the end thereof the  
2 following new subsections:

3     “(h) Not later than 30 days after paying any reward  
4 under this section, the Secretary of State shall submit a  
5 report to the Congress with respect to that reward. The  
6 report, which may be submitted on a classified basis if  
7 necessary, shall specify the amount of the reward paid, to  
8 whom the reward was paid, and the acts with respect to which  
9 the reward was paid, and shall discuss the significance of  
12 the information for which the reward was paid in dealing with  
11 those acts.

12     “(i) The purpose of the rewards provided for by this  
13 section is to assist narcotics law enforcement in the  
14 effective arrest and prosecution of major narcotics  
15 traffickers and, in wherever appropriate, to offer rewards in  
16 connection with the killing of, or attempts to kill, United  
17 States officials or other employees or their families, in  
18 connection with the performance of narcotics-related duties.  
19 To ensure that the rewards program authorized by this  
20 section, especially subsection (b)(1)(A), does not duplicate  
21 or interfere with the payment of informants or the purchase  
22 of evidence or information, as authorized to the Department  
23 of Justice, the offering, administration, and payment of  
24 rewards under subsection (b), including procedures for--

25     “(1) identifying individuals, organizations, and

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1 offenses for which rewards will be offered,  
2 "(2) publication of rewards,  
3 "(3) offering of joint rewards with foreign  
4 governments,  
5 "(4) receipt and analysis of data,  
6 "(5) payment and the approval of payment, and  
7 "(6) recommendations of rewards by chiefs of mission  
8 to the Secretary and Attorney General,  
9 shall be governed by procedures approved by the Secretary of  
10 State and the Attorney General.  
11 "(j) As used in this section--  
12 "(1) the term 'United States drug laws' means the  
13 laws of the United States for the prevention and control  
14 of illicit traffic in controlled substances (as such term  
15 is defined for purposes of the Controlled Substances  
16 Act); and  
17 "(2) the term 'member of the immediate family'  
18 includes--  
19 "(A) a spouse, parent, brother, sister, or child  
20 of the individual;  
21 "(B) a person to whom the individual stands in  
22 loco parentis; and  
23 "(C) any other person living in the individual's  
24 household and related to the individual by blood or  
25 marriage."

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## 1 SEC. 502. COUNTERTERRORISM PROTECTION FUND.

2 The State Department Basic Authorities Act of 1956 is  
3 amended--

4 (1) by redesignating section 39 as section 42; and

5 (2) by inserting after section 38 (22 U.S.C. 2712)

6 the following new section:

## 7 "SEC. 39. COUNTERTERRORISM PROTECTION FUND.

8 "(a) Authority.--The Secretary of State may reimburse  
9 domestic and foreign persons, agencies, or governments for  
10 the protection of judges or other persons who provide  
11 assistance or information relating to terrorist incidents  
12 primarily outside the territorial jurisdiction of the United  
13 States. Before making a payment under this section in a  
14 matter over which there is federal criminal jurisdiction, the  
15 Secretary shall advise and consult with the Attorney General.

16 "(b) Authorization of Appropriations.--There are  
17 authorized to be appropriated to the Secretary of State for  
18 'Administration of Foreign Affairs' \$1,225,000 for fiscal  
19 year 1986 and \$1,880,000 for fiscal year 1987 for use in  
20 reimbursing persons, agencies, or governments under this  
21 section.

22 "(c) Designation of Fund.--Amounts made available under  
23 this section may be referred to as the 'Counterterrorism  
24 Protection Fund'."

## 25 SEC. 503. AUTHORITY TO CONTROL CERTAIN TERRORISM-RELATED

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**SERVICES.**

The State Department Basic Authorities Act of 1956 is amended--

(1) by redesignating section 40 (as so redesignated by section 532 of this Act) as section 41; and

(2) by inserting after section 39 (as added by section 532 of this Act) the following new section:

**SEC. 40. AUTHORITY TO CONTROL CERTAIN TERRORISM-RELATED SERVICES.**

(a) Authority.--The Secretary of State may, by regulation, impose controls on the provision of the services described in subsection (b) if the Secretary determines that provision of such services would aid and abet international terrorism.

(b) Services Subject to Control.--The services subject to control under subsection (a) are the following:

(1) Serving in or with the security forces of a designated foreign government.

(2) Providing training or other technical services having a direct military, law enforcement, or intelligence application, to or for the security forces of a designated foreign government.

Any regulations issued to impose controls on services described in paragraph (2) shall list the specific types of training and other services subject to the controls.

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1       “(c) Persons Subject of Controls.--These services may be  
2 controlled under subsection (a) when they are provided within  
3 the United States by any individual or entity and when they  
4 are provided anywhere in the world by a United States person.

5       “(d) Licenses.--In carrying out subsection (a), the  
6 Secretary of State may require licenses, which may be  
7 revoked, suspended, or amended, without prior notice,  
8 whenever such action is deemed to be advisable.

9       “(e) Definitions.--

10       “(1) Designated foreign government.--As used in this  
11 section, the term ‘designated foreign government’ means a  
12 foreign government that the Secretary of State has  
13 determined, for purposes of section 6(j)(1) of the Export  
14 Administration Act of 1979, engages in or provides  
15 support for international terrorism.

16       “(2) Security forces.--As used in this section, the  
17 term ‘security forces’ means any military or paramilitary  
18 forces, any police or other law enforcement agency  
19 (including any police or other law enforcement agency at  
20 the regional or local level), and any intelligence agency  
21 of a foreign government.

22       “(3) United States.--As used in this section, the  
23 term ‘United States’ includes any State, the District of  
24 Columbia, the Commonwealth of Puerto Rico, the  
25 Commonwealth of the Northern Mariana Islands, and any

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1 territory or possession of the United States.

2       "(4) United States person.--As used in this section,  
3 the term 'United States person' means any United States  
4 national, any permanent resident alien, and any sole  
5 proprietorship, partnership, company, association, or  
6 corporation organized under the laws of or having its  
7 principal place of business within the United States.

8       "(f) Violations.--

9       "(1) Penalties.--Whoever willfully violates any  
10 regulation issued under this section shall be fined not  
11 more than \$102,000 or five times the total compensation  
12 received for the conduct which constitutes the violation,  
13 whichever is greater, or imprisoned for not more than ten  
14 years, or both, for each such offense.

15       "(2) Investigations.--The Attorney General and the  
16 Secretary of the Treasury shall have authority to  
17 investigate violations of regulations issued under this  
18 section.

19       "(g) Congressional Oversight.--

20       "(1) Review of regulations.--Not less than 30 days  
21 before issuing any regulations under this section  
22 (including any amendments thereto), the Secretary of  
23 State shall transmit the proposed regulations to the  
24 Congress.

25       "(2) Reports.--Not less than once every six months,

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1 the Secretary of State shall report to the Congress  
2 concerning the number and character of licenses granted  
3 and denied during the previous reporting period, and such  
4 other information as the President may find to be  
5 relevant to the accomplishment of the objectives of this  
6 section.

7 "(h) Relationship to other Laws.--The authority granted  
8 by this section is in addition to the authorities granted by  
9 any other provision of law.

10 "(i) Construction.--Nothing in this section may be  
11 construed to make unlawful an activity conducted by an  
12 officer or employee of the United States Government, or any  
13 agent thereof, which is properly authorized and conducted in  
14 accordance with Federal laws, rules, and regulations,  
15 including Executive Orders, governing such activities."

#### 16 TITLE VI--FASCELL FELLOWSHIP PROGRAM

17 SEC. 601. SHORT TITLE.

18 This title may be cited as the "Fascell Fellowship  
19 Act".

20 SEC. 602. FELLOWSHIP PROGRAM FOR TEMPORARY SERVICE AT UNITED  
21 STATES MISSIONS IN THE SOVIET UNION AND EASTERN  
22 EUROPE.

23 (a) Establishment.--There is established a fellowship  
24 program pursuant to which the Secretary of State will provide  
25 fellowships to United States citizens while they serve, for a

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1 period of between one and two years, in positions formerly  
2 held by foreign national employees at United States  
3 diplomatic or consular missions in the Soviet Union or  
4 Eastern European countries.

5 (b) Designation of Fellowships.--Fellowships under this  
6 title shall be known as "Fascell Fellowships".

7 (c) Purpose of the Fellowships.--Fellowships under this  
8 title shall be provided in order to allow the recipient  
9 (hereafter in this title referred to as a "Fellow") to  
10 serve on a short-term basis at a United States diplomatic or  
11 consular mission in the Soviet Union or an Eastern European  
12 country in order to obtain first hand exposure to that  
13 country, including (as appropriate) independent study in  
14 Soviet or Eastern European area studies or languages.

15 (d) Individuals Who May Receive a Fellowship.--To receive  
16 a fellowship under this title, an individual must be a United  
17 States citizen who is an undergraduate or graduate student, a  
18 teacher, scholar, or other academic, or an other individual,  
19 who has expertise in Soviet or Eastern European area studies  
20 or languages and who has a working knowledge of the principal  
21 language of the country in which he or she would serve.

22 (e) Women and Members of Minority Groups.--In carrying  
23 out this section, the Secretary of State shall actively  
24 recruit women and members of minority groups.

25 SEC. 503. FELLOWSHIP BOARD.



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1 (a) Establishment and Function.--There is established a  
2 Fellowship Board (hereafter in this title referred to as the  
3 "board"), which shall select the individuals who will be  
4 eligible to serve as Fellows.

5 (b) Membership.--The board shall consist of 9 members as  
6 follows:

7 (1) A senior official of the Department of State (who  
8 shall be the chair of the Board), designated by the  
9 Secretary of State.

10 (2) An officer or employee of the Department of  
11 Commerce, designated by the Secretary of Commerce.

12 (3) An officer or employee of the United States  
13 Information Agency, designated by the Director of that  
14 Agency.

15 (4) Six academic specialists in Soviet or Eastern  
16 European area studies or languages, appointed by the  
17 Secretary of State (in consultation with the chairman and  
18 ranking minority member of the Committee on Foreign  
19 Affairs of the House of Representatives and the chairman  
20 and ranking minority of the Committee on Foreign  
21 Relations of the Senate).

22 (c) Meetings.--The board shall meet at least once each  
23 year to select the individuals who will be eligible to serve  
24 as Fellows.

25 (d) Compensation and Per Diem.--Members of the Board

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1 shall receive no compensation on account of their service on  
2 the Board, but while away from their homes or regular places  
3 of business in the performance of their duties under this  
4 title, may be allowed travel expenses, including per diem in  
5 lieu of subsistence, in the same manner as persons employed  
6 intermittently in the Government service are allowed expenses  
7 under section 5703 of title 5 of the United States Code.

8 SEC. 604. FELLOWSHIPS.

9 (a) Number.--Up to 100 fellowships may be provided under  
10 this title each year.

11 (b) Remuneration and Period.--The Board shall determine,  
12 taking into consideration the position in which each Fellow  
13 will serve and his or her experience and expertise--

14 (1) the amount of remuneration the Fellow will  
15 receive for his or her service under this title, and

16 (2) the period of the fellowship, which shall be  
17 between one and two years.

18 (c) Training.--Each Fellow may be given appropriate  
19 training at the Foreign Service Institute or other  
20 appropriate institution.

21 (d) Housing and Transportation.--The Secretary of State  
22 shall, pursuant to regulations--

23 (1) provide housing for each Fellow while the Fellow  
24 is serving abroad, including (where appropriate) housing  
25 for family members; and